

SONJA D. KERR (AK BAR NO. 0409051)
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UNITED STATES DISTRICT COURT

DISTRICT OF ALASKA

N.S. by and through
his parents, J.S. and R.S.,
Plaintiffs

Case No. A05-0177 CV (JKS)

v.

**Rule 26 Disclosures
Supplement No. 1**

Anchorage School District,
Defendants

Pursuant to the Court's scheduling order, the following constitute the Plaintiff's First Supplementation to the Rule 26 disclosures:

(A). Name and phone number of persons with information:

1. Carol Comeau, Superintendent, Anchorage School District
4600 DeBarr Road
Anchorage, AK 99508
(907)-742-4312
2. Steve Bradshaw, Superintendent, Sitka School District
300 Kostrometinoff St.
Sitka, AK 99835
(907)-747-8622
2. Brad Owens
Jermaine, Dunnagan and Owens
3000 "A" Street, Suite 300
Anchorage, AK 99503
907-563-8844

(B). Documents and data:

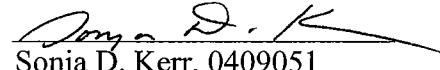
Plaintiffs may also rely upon the June 22, 2005 sworn affidavit of counsel, Bradley Owens, in the *Noon v. Alaska*, Case No. 04-0057 CV (JKS), (attached) and the Court's October 4, 2005 order (attached) in that same case awarding counsel Sonja D. Kerr attorney fees at the rate of \$225.00 per hour.

Plaintiffs may also introduce any and all other documentary evidence of public record concerning the attorneys' fees of Jermaine, Dunnagan and Owens in other school cases, including but not limited to Sitka Daily Sentinel newspaper article, September 21, 2005 (attached) in which school officials complained of fees in the amount of \$200,000.00.

In addition, Counsel hereby discloses pursuant to Rule 26(a)(2), that the following individuals may submit affidavits and serve as experts in this matter:

1. Peter Wright, J.D.
2. Dorene Philpot, J.D.
3. Paul Skiles, J.D.

Dated: 11-16-05



Sonja D. Kerr, 0409051
Disability Law Center

Certificate of Service

I hereby certify that on the 16th day of November, 2005, a true and correct copy of this document was served by fax and mail on:

Bradley Owens
Jermain Dunnagan & Owens, PC
3000 A Street, Suite 300
Anchorage, AK 99503



Patti Freeman

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

ALEXANDER NOON, a minor, by his)
guardian, ad litem Tracy Barbee; KENDALL)
LEIBACH, a minor, by her guardian ad litem)
Jacqueline Leibach; DOUGLAS MATE; TIANA)
LUPIE, a minor, by her guardian ad litem, Evelyn)
Lupie; IRENE TAKAK, on behalf of themselves)
and all individuals similarly situated; and)
LEARNING DISABILITIES ASSOCIATION)
OF ALASKA,)

vs.)
Plaintiffs,)

)
ALASKA STATE BOARD OF EDUCATION)
AND EARLY DEVELOPMENT; ROGER)
SAMPSON, Commissioner of Education & Early)
Development, sued in his official capacity;)
ANCHORAGE SCHOOL DISTRICT; RICHARD)
SMILEY, Administrator, Standards and)
Assessment, Alaska Department of Education &)
Early Development, sued in his official capacity,)

Defendants.)

) Case No. A04-0057 (JKS)

AFFIDAVIT

Having been duly sworn upon oath, Bradley D. Owens deposes as follows:

1. The statements made in this affidavit are based on my personal knowledge or my experience during the 28 years that I have practiced law in Anchorage, Alaska. All the statements are true and correct to the best of my knowledge and recollection.

2. I was admitted to the practice of law in Alaska in October 1976. I have remained a member in good standing of the Alaska Bar Association since that time and have engaged in

the practice of law in private practice during these years in Anchorage, Alaska. I have practiced law with the law firm of Jermain, Dunnagan & Owens, P.C. since February 1977.

2. The majority of the legal work I now perform involves some aspect of education law. This has been true for the last fifteen years during which time I have focused primarily on the area of special education law under the Individuals with Disabilities in Education Act, or IDEA, 20 U.S.C §§ 1400-1487.

3. Based on my experience, both in my law firm as well as with other law firms and attorneys in the Anchorage area, the typical hourly rate charged by attorneys in private practice ranges from \$175 to \$250. Most attorneys who practice in Anchorage in private practice who focus on a particular area of law, such as employment law, or bankruptcy, or commercial transactions, charge an hourly rate between \$200 and \$250, depending on how long they have been in practice. My hourly rate ranges from a low of \$150 to a high of \$200 depending on the area of law and the client.

4. It is the custom and practice in my law firm is that the hourly rates charged by the attorneys in the office is intended to cover our overhead and administrative costs, including such things as clerical compensation and work. As a consequence, we do not charge an additional amount for the cost of secretarial time since that is part of what is covered by the hourly rate we charge. Based on my experience, I believe this is the typical custom and practice of other attorneys in Anchorage, Alaska.

5. I am frequently required to travel both inside Alaska and outside of Alaska to perform legal work for clients. When I travel, I only bill my travel time if I am actually performing work while traveling, or if it is during regular billable time but I am not able to work for some reason, such as waiting in an airport to board a plane, or traveling to and from the

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airport. I also do not bill time during any travel time that I am able to work but choose not to, such as during periods when I am eating, reading, or sleeping.

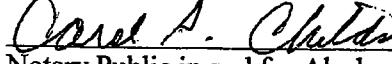
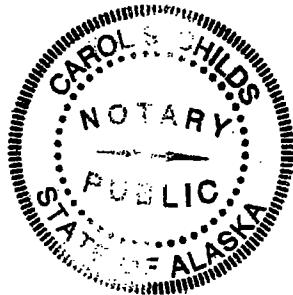
6. I know of several attorneys in Anchorage who have successfully filed class action lawsuits against the state, including Peter Gruenstein, Collin Middleton and my colleague, Howard Trickey. I know that at least one of these class-action lawsuits by Mr. Middleton and Mr. Trickey against the state involved educational funding.

Dated in Anchorage, Alaska this 25th day of June 2005.



Bradley D. Owens

SUBSCRIBED AND SWORN to before me this 22 day of June, 2005.



Carol A. Childs
Notary Public in and for Alaska
My Commission expires: 10/27/05

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